

In the Application of:
SCHMAUS et al.
Serial No.: 10/790,770

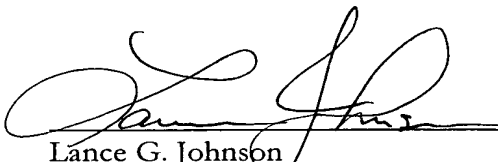
ELECTION OF SPECIES AND REMARKS

Applicants hereby elect to prosecute in this application the Group III invention found in claims 3-6 and 8-17 (methods of use). The elected species is the compound in which R = hydrogen. Of the elected invention, claims 3-6 and 8-25 encompass this species. This election is with traverse.

As a national phase application from a PCT application, applicants are entitled to consideration of their claims under the more liberal Unity of Invention standard (MPEP § 1893.03(d)). As such, the examiner must explain why the claim groups lack a single general inventive concept, i.e., at least one common special technical feature. See, MPEP § 1850. Here, the special technical concept in common among the claims is the antimicrobial activity of the compounds recited in claim 1. MPEP § 1850(A) specifically identifies and permits the presentation of claims for a product, process of manufacture of that product, and its use. All of the present claims as amended) identify the compounds of formula 1 in claim 1 as the unifying technical feature for each. Thus, the claims meet the requirements of Unity of Invention and should be considered in the present application. Reconsideration of the Restriction Requirement is respectfully requested.

Claim 3 has been amended into an independent format by incorporating the chemical structure from claim 1. The other amendments presented herein are intended to clarify the nature of the unified invention that is described in the application. Note that claims 1, 2, and originally presented claim 7 are supported by the description found on page 1 of the specification. Topically applied formulations are described in the specification at page 24. Please note that no new matter is presented.

For the Applicants,


Lance G. Johnson
Registration No. 32,531

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, NW Suite 600
Washington, D.C. 20036-2680
(202) 659-9076